

## **FY 12 Drinking Water Supply Protection (DWSP) Grant Program Questions and Answers**

### **Question 1: Is the cost of preparing the Baseline and Documentation Report (BDR) required of grant recipients an eligible cost for grant reimbursement?**

**Answer:** No. Grant recipients can meet this requirement either by conducting a standard BDR as conducted for Conservation Restrictions, or they can fill out a template document provided by Division of Conservation Services (DCS). The template document is a simplified BDR that can be prepared by someone without special training, using documents that were prepared either for the application itself or as due diligence for the purchase (eg, survey), and use of either a digital or standard camera. Plan preparation should only take a few hours to a day, depending upon the size and complexity of the property.

### **Question 2: The RFR states that DEP must approve any land acquisitions. Must DEP also approve the future well and/or discharge zone in order for the purchase to be eligible?**

**Answer:** No. While this grant does not constitute or replace appropriate DEP approvals for any activity a Public Water Supplier or water department might undertake, DEP approval for the proposed use is not required for the acquisition to be eligible. This program is intended to provide funding assistance to acquire land to protect DEP-approved existing wells/intakes, or land to protect *likely potential* wells, intakes, or discharge zones.

### **Question 3: Does a grant award to purchase land for a future well site or discharge site mean DEP approves the new well or discharge site?**

**Answer:** No. Receipt of DWSP funding to acquire land for potential uses means only that the parcel(s) are *generally appropriate* for the proposed use; after acquisition it is incumbent upon the recipient PWS/water department to initiate the appropriate DEP review process and to undertake the specific and rigorous analysis of the property required. Receipt of DWSP funding to acquire land for future water supplies or discharge does not guarantee DEP approval of that use.

Remember that any Zone I area designated after June 6, 1990 is not eligible for funding.

### **Question 4: Is light agricultural use suitable for lands purchased with these funds?**

**Answer:** Appropriate land uses depend upon the specific characteristics of a property and the purpose for which it is acquired (water supply source protection or wastewater discharge). Land in Zone I or Zone A may not be used for agricultural purposes. Land outside of Zone I or Zone A *may* be used for limited agricultural activities, such as haying, Christmas trees, or low-intensity (below a designated stocking level) grazing. Use of pesticides and fertilizers is generally prohibited. All land use decisions are subject to approval by EEA on a case by case basis prior to such use.

### **Question 5: May we purchase an existing private well for use as a municipal well?**

**Answer:** Yes. However, you must still receive approval from DEP to put the well into use. See question 3.

### **Question 6: May the town use Community Preservation Act (CPA) funds?**

**Answer:** Yes. Remember that receipt of a DWSP grant does not absolve the municipality from conveying an appropriate Conservation Restriction to an eligible entity as required by CPA.

**Question 7: The RFR states that property acquired with DWSP funding must be kept in a “naturally vegetated state.” What does that mean?**

**Answer:** Massachusetts has wide diversity of ecotypes, and every property is unique. The intent of this requirement is that the property have continuous vegetative cover that does not present an invasive threat (eg, purple loosestrife), and that also provides some ecological habitat value or (see question 4 above), potentially, agricultural value. For most parcels in most areas, this means some type of forest cover.

**Question 8: Do all projects have to be for a CR?**

**Answer:** No. However, use of CPA funding does require conveyance of a CR. See question 6.

**Question 9: How do we know where the Zone II and III is for a proposed future well?**

**Answer:** Estimation of the Zone I, II, and III may have already been done as part of the planning process which identified your project area as suitable for a future well site. However, if fine-scale delineation has not been done, you may estimate the Zone boundaries based upon your planned well location. Alternatively, you may estimate the Interim Wellhead Protection Area (IWPA), defined as a ½ mile radius around a proposed well site for wells with a pumping rate of 100,000 gpd or more (see <http://www.mass.gov/dep/water/drinking/wspaglos.htm> for details). If you have access to GIS software, use the methodology established by MassGIS described here: <http://www.mass.gov/mgis/ziis.htm> (ground water) and here: <http://www.mass.gov/mgis/swp.htm> (surface water) to estimate your parcel’s location. If you do not have access to GIS software, you may use a USGS topographical map and the same zone definitions.

**Question 10: What if the parcel we want to purchase is not all in a designated or planned Drinking Water Supply Protection Area? Is it still eligible for funding?**

**Answer:** To be eligible for funding through the DWSP grant, at least 50% of a property must be within a drinking water supply area (Zones I/II/III or A/B/C, or, for future water supplies, an estimated IWPA). If your parcel does not meet that, you may be able to apply for funding to acquire a portion of the property that is eligible. This does not have to be an actual subdivision, and you can still purchase the whole parcel, however, any grant funding would be based on the value of, and only for, the portion of the property that comprises an eligible project. Any applicant contemplating such an acquisition must ensure that the appraisal(s) required to be included in their application specifically identify the value of the eligible portion.

**Question 11: We want to acquire several parcels. Should they be in separate applications or all in one?**

**Answer:** Multiple parcels may be packaged in a single application or as separate applications. Generally, if packaged together they should make sense as a group, either because they are contiguous or in close proximity, or are owned by the same person, and they should be reasonably likely to be following the same timeline. Unrelated parcels that are neither contiguous nor under the same ownership should be separate applications.

**Question 12: What if our purchase price is higher than the appraised value? Will you reimburse 50% of the purchase price?**

**Answer:** No. In such a circumstance we would still only reimburse you 50% of the appraised value. In the reverse case—a purchase price below the appraised value—we would calculate your reimbursement based upon the purchase price. Whenever the purchase price is different than the appraisal, we will base our reimbursement on the lower value.

**Question 13: Where can I find information on water needs forecasting?**

**Answer:** Information on water needs forecasting is available here:

[http://www.mass.gov/Eoeea/docs/eea/wrc/090501\\_waterneedsforecast\\_policymethod.pdf](http://www.mass.gov/Eoeea/docs/eea/wrc/090501_waterneedsforecast_policymethod.pdf).

Your community may have already undertaken the forecast as part of their permit renewal under the Water Management Act. Contact the Water Resources Commission for more information about the process. If no such work has been done or begun, you may develop an estimate following the basic methodology outlined in the policy.

**Question 14: Where can I find information on population projections for a water needs forecast?**

**Answer:** Population projections are computed periodically by the Regional Planning Agencies (RPAs) throughout Massachusetts. Contact them directly. For information on your RPA, go to

<http://www.pvpc.org/resources/marpa/MARPA%20Directory-2009.pdf>.

**Question 15: The Resource Management & Community Planning section indicates that points will be awarded if half or more served municipalities have land use planning and water resource management bylaws or ordinances in place. Our water supplies several towns but the majority of our service area is in only one town, which also has a much larger population. Will this be taken into account?**

**Answer:** EEA does reserve the discretion in this area to ensure that our evaluation of applications is accurate and fair. If most of your service area is in a single municipality, you may include a breakdown by town of your population numbers in the Project Details section.

**Question 16: Our town bylaws that address open space and stormwater management are part of very large documents. Do we have to print these plans in their entirety to include in the application?**

**Answer:** You will need to demonstrate that your bylaws or ordinances are comprehensive and rigorous, however, you do not need to include the entire set of city ordinances/town bylaws in your application. Instead, you may list the relevant bylaws/ordinances, briefly summarize their content and/or quote specific relevant passages, and include a link to the document's online location.